PRESERVED

App. F. IX-4

1939. (Courts)

File No. 579/39

Serial Nos. 1–2.

Previous References
pol 151-26 (1-7)
" 252-28 (1-2)
" 207-30 (11, 26, 29, 36-39)

Later References.
ch. 187-40 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only.

PRESERVED

Part B for October 1939.

SUBJECT.

re: a notification empowering the Amildars and the deputy Amildars who are also ex-officio Second Class Magistrates to hold inquests under Section 74 Criminal Procedure Code.

WD 0573—GPB—22,500—12-9-39

Virgin Nazareth 14/10/39.

Serial No.

From
The District Magistrate Nyeri Dist
Y.1 - III/39-40 dtd 15.8.1939

Enquiries whether any notification has been issued by Govt empowering Asst and Deputy Amildars who are Ex-officio Asst Dist Magistrates to hold inquests under Section 174 Cr.P.C.

On a thorough search of previous references no reference could be traced on the subject matter of the Section.

1) Under Schedule IV of the Criminal procedure Code, it is Govt that have to invest powers on Second Class Magistrates to hold inquests under Sec 174 Cr.P.C. From previous references, no order could be traced which empowered Amildar Magistrates were empowered to hold inquests under the Section could be traced.

2) It is however seen that Amildar-Magistrates are empowered to try Offences punishable under the V.P. Act and (2) to make orders under Sec 146 Cr.P.C.

Vide paras 121 and 122 Secretariat Rules

Note-Contn. Sheet.

2

1120/S

File N of 19

General and Revenue Secretariat.

Serial No.

The following points directions are also put up for reference in which the functions of the Amildars have been prescribed so far as the investigations of criminal cases are concerned:

(1) Pol 151-26-1-1 Flag K

(2) " 252-28-14. Flag J

(3) " 207-30-11, 26 etc Flag I

It can be seen therefrom that the Amildars have already been divested of powers of investigation of certain classes of heinous crimes.

So far as inquests are concerned it is held that no general Order as to cases in which the Amildar Magistrates are empowered to hold inquests under Sec 174 Cr. P.C.

6) If approved, the Dist Magistrate Hyderabad may be informed that the above if any could not be traced.

7) A draft is also put up ~~as Annexure~~ for Power to hold inquests under Section 174 Cr. Procedure is

Cases 1919 Dossier

Serial No.

not among the ordinary powers of a Second class or third class Magistrate. As provided in Sec. 174 (5) and the IV th Schedule of the Cr. Pr. code, This power has to be invested by the Govt or the District Magistrate. No general notification seems to have been issued by Govt empowering all the Asst & Dy. Commissioners 2nd class Magistrates to hold inquests under Sec. 174. The D.M. Mysore will be informed accordingly.

9) Order is for perusal before issue.

BKR 19.9.39

Law Secy)

10) Are the I class Magts empowered under Sec 174. I think the D. Magts himself can empower all II class Magts

21/9/39

BKR 21.9.39

[redacted]

SECY. LAW DEPT. 19 CY 19 SEP. 1939 GOVT OF MYSORE

Powers under Section 174 Cr.P.C

File No. 59 1120/P of 1939 | General and Revenue Secretariat.

Serial No.

1) With reference to para 10 of the notes it is submitted that the Magistrates appointed to the Stations mentioned in the margin have been empowered to exercise all the ordinary powers of a Magistrate of the Second Class and all the additional powers specified in the IV Schedule to the Code as powers with which a Magistrate of the Second Class may be invested by Government except the power to pass Sentences of whipping. (please see Para 1st of Cr. Rules & practice Vol I)

1) Second Magistrate Kodaikanal
2) — do — Tenkasi
3) Munsiff-Magistrate Krishnagiri
4) — do — Attur Salem Dt
5) Second Magistrate Shimoga
6) Munsiff-Magistrate Narasimharajapuram
7) Second Magistrate Chitaldrug
8) — do — Tiptur
9) — do — Bangalore

2) Under IV Schedule to the Cr.P.C. power under Sec 174 Can be invested on a Second Class Magistrate either by Govt or by the Dist Magistrate.

Field Capt 29/9

13) I may also observe that Rule 239 of the Police Manual provides that Assistant Magistrates who are also heads of Police Stations are forbidden to hold inquests in cases of deaths of prisoners in lock-ups guarded by the Police or in Police custody. It is probably on this account that the Assistant & Deputy Assistant

Serial No.

are not invested with the power to hold inquests under Section 174 Cr. Pro. Code

BKR 30.9.39

Law Secy

11) Draft reply 6/10/39

BKR 2.10.39

Submitted with a draft

BKR 4.10.39

Law Secy.

6

4/10

11) Draft BKR 5.10.39

To

The Dist. Magistrate

P 2532 Dt 6.10.39.

State that no further action required by him could be taken.

B

SECY. LAW DEPT. 23 OCT. 1939 MYSORE

SECY. LAW DEPT. 4 OCT. 1939 MYSORE

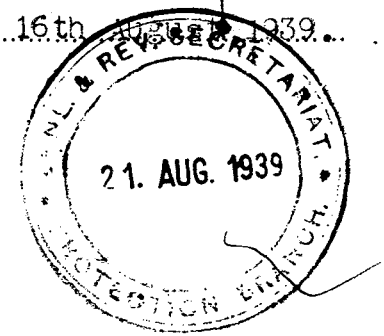
1120/P 1

No. G1-111/39-40.

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT.

Dated, Mysore, 16th August 1939.

cs 59-39-1



FROM

K. Subba Rao, Esq., B.A.,
~~The~~ DISTRICT MAGISTRATE,
MYSORE DISTRICT.

To

Rajasevaprasaktha:
B.T. Kesaviengar, Esq., B.A.,
Chief Secretary to the Government of Mysore
Bangalore.

SIR,

I have the honour to request you to kindly intimate whether any notification has been issued by Government - empowering all Amildars and Deputy Amildars who are Ex-Officio Second Class Magistrates to hold inquests under Sections 174 Cr.P.Code and if so, to send me a copy of it for reference.

I have the honour to be,
Sir,
Your most obedient servant,

K Subba Rao

District Magistrate,
Mysore District.

GP

Appendix F G—1]

SUBJECT.....

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Section C 5

File No. 59-39

Serial No. 2

Diary No. of letter replied to .....

No. P 2532

To

General and Revenue Secretariat

The Dist Magistrate
Mysore Dist

the *193* .

Date of issue.... 6.10.39

Sir,

Signed by Mr. BKR

With reference to Your letter NO G1 - III 139-40 Dt 16.8.1939 requesting to be informed as to whether any notification has been issued by Govt empowering the Amildars and Deputy Amildars who are also Ex-Officio Second Class Magistrates to hold inquests under Sec 174 Cr.P.C, I am directed to State

List of enclosures.....

Copied by.....

Examined by .....

WD 0278—GPB—30,000—4-3-38

that no such notification could be traced in this Office.

I am also to add that under rule 239 Of the police Manual the Amildar Majistrates who are also heads of Taluk police are forbidden to hold inquests in Cases of death of prisoners in lock ups guarded by the police or in police custody and it is assumed that in pursuance of this provision that the Amildars and Deputy Amildars are not invested with the power to hold inquests under Sec 174 Cr. P.C.

I have

the honour to be

Sir

Your most obedient servant

Secy to Govt

Law Dept.

POCR
4.10.39

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 5th October 1939.

No. P2532 CS-59-39-2

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The District Magistrate,
Mysore District.

Sir,

With reference to your letter No.G1-111/39-40 dated 16th August 1939 requesting to be informed as to whether any notification has been issued by Government empowering the Amildars and Deputy Amildars who are also Ex-Officio Second Class Magistrates to hold inquests under Section 174 Criminal Procedure Code, I am directed to state that no such notification could be traced in this office.

2. I am also to add that under rule 239 of the Police Manual the Amildar Magistrates who are also heads of Taluk Police are forbidden to hold inquests in cases of death of prisoners in lock-ups guarded by the police or in police custody and it is assumed that in pursuance of this provision that the Amildars and Deputy Amildars are not invested with the power to hold inquests under Section 174 Criminal Procedure Code.

I have the honour to be,
S i r,
Yourmost obedient servant,

for SECRETARY TO GOVERNMENT
LAW DEPARTMENT.

NDA. 2.